

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
August 11, 2005

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Mayor Parrott and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Chip Little
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

COUNCIL MEMBERS ABSENT: Council Member Rose H. Glover

APPROVAL OF AGENDA

Motion was made by Council Member Dunn and seconded by Council Member Council to approve the agenda as presented. Motion carried unanimously.

SPECIAL RECOGNITION

Mayor Parrott recognized the D. H. Conley High School baseball team and coaches and presented them with certificates from the City of Greenville as well as a resolution from the Pitt County Mayors Association. Members of the team included Aaron Szabo, Spencer Fagan, Jon DeAntonio, Mark Potter, Alex White, Robbie Heale, Tanner Biagini, Adam Schulte, Tanner Jones, Aubrey Edens, Jason Cargile, Spencer Hampton, Ryan McManus, Adam Phelps, Scott Gupton, Tripp Moser, Landis Wilson, Mike Taylor, Josh Hobgood, and Will Reaves. Coaches were Jason Mills, Eddie Rhodes, Brad Johnston and Travis White.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Miller to appoint John Tulloss as a regular member to fill an unexpired term expiring February 2007 replacing Kristina Harris, who resigned; to elevate Dallas Taylor to a regular member to fill an unexpired term that expires February 2007; and to appoint Tammie Carlton as an Alternate member to fill an unexpired term expiring February 2006. Motion carried unanimously.

Community Appearance Commission

Motion was made by Council Member Craft and seconded by Council Member Dunn to appoint Kishen Rao to fill an unexpired term expiring July 2007 replacing Paul Anderson, who resigned. Motion carried unanimously.

Greenville Utilities Commission

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to appoint Charles Weeks, County nominee, to a first three-year term expiring June 2008 replacing Christopher Jenkins, who is ineligible for reappointment. Motion carried unanimously.

Historic Preservation Commission

Council Member Council requested that the replacement for Cynthia Tyson be continued until September.

Hunan Relations Council

Motion was made by Council Member Dunn and seconded by Council Member Little to appoint Abdel Abdel-Rahman to fill an unexpired term expiring September 2006 replacing S. Jamal Mustafa, who resigned. Motion carried unanimously.

Pitt-Greenville Convention and Visitors Authority

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to reappoint Richard Garafolo for a second three-year term expiring July 2008. Motion carried unanimously

Planning and Zoning Commission

Motion was made by Council Member Craft and seconded by Council Member Dunn to appoint Godfrey Bell as Alternate #2, filling an unexpired term that expires May 2008; to elevate Robert Ramey to a regular member replacing Melba Gorham, who resigned, for a second term expiring May 2007; and to elevate Porter Stokes from Alternate #2 to Alternate #1, filling an unexpired term that expire May 2007. Motion carried unanimously.

APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO TAXICAB APPEAL BOARD

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to appoint Mildred Council as a representative to the Taxicab Appeal Board. Motion carried unanimously.

APPOINTMENT OF AN ALTERNATE BOARD MEMBER TO THE MID-EAST COMMISSION

Motion was made by Council Member Craft and seconded by Council Member Council to appoint Chris Davis, Community Development Administrator, as an alternate board member to the Mid-East Commission. Motion carried unanimously.

ORDINANCE REZONING BARTLETT ENGINEERING AND SURVEYING, PC PROPERTY LOCATED WEST OF ALLEN ROAD, WEST OF THE EXISTING TERMINUS OF ELLERY DRIVE, AND NORTH OF TEAKWOOD SUBDIVISION, FROM OR TO R9S – ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by Barlett Engineering and Surveying, PC to rezone 10.7 acres located 1,070± feet west of Allen Road, west of the existing terminus of Ellery Drive, and north of Teakwood Subdivision, from OR to R9S. At its June 21, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that the existing land use in the area is single-family development. There is a proposed subdivision to the south of Teakwood that will develop as single-family, duplex and multi-family. The property is not impacted by the floodplain or any wetlands. The future Land Use Plan Map indicates that the industrial area to the north with a transition buffer separating industrial and single-family neighborhoods. The request is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Robert Bartlett was present to answer questions.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to adopt the ordinance rezoning 10.7 acres located 1,070± feet west of Allen Road, west of the existing terminus of Ellery Drive, and north of Teakwood Subdivision, from OR to R9S. Motion carried unanimously. (Ordinance No. 05-78)

ORDINANCE REZONING THE MUSIC ACADEMY OF EASTERN CAROLINA, INC. PROPERTY LOCATED SOUTH OF RED BANKS ROAD, EAST OF TUCKER DRIVE, WEST OF THE EXISTING TERMINUS OF HOLLYBRIAR LANE, AND LYING BETWEEN TUCKER ESTATES, SECTION 1, AND BAYTREE SUBDIVISION, FROM R15S TO R9S - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by the Music Academy of Eastern Carolina, Inc. to rezone a 2.77 acre tract located 265± feet south of Red Banks Road, 150± feet east of Tucker Drive, west of

the existing terminus of Hollybriar Lane, and lying between Tucker Estates, Section 1, and Baytree Subdivision, from R15S to R9S. At its June 21, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Hamilton delineated the property on a map and stated that there is no driveway access or street access to the site through Tucker Estates. The driveway access would be via Hollybriar Lane. The existing land use is single-family. The floodplain or wetland areas do not impact the property. The Land Use Plan recommends medium-density development, and the current zoning pattern reflects that recommendation. The request is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that the music company has the property under contract. The builder and developer went to a neighborhood meeting of the Tucker Estates residents, and they seemed to be satisfied. The request received no opposition at the Planning and Zoning Commission meeting, and it received unanimous approval.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Little to adopt the ordinance rezoning a 2.77 acre tract located 265± feet south of Red Banks, 150± feet east of Tucker Drive, west of the existing terminus of Hollybriar Lane, and lying between Tucker Estates, Section 1, and Baytree Subdivision, from R15S to R9S. Motion carried unanimously. (Ordinance No. 05-79)

ORDINANCE REZONING THE AREA EAST OF READE STREET, NORTH OF EAST FIFTH STREET AND EAST OF TENTH STREET, SOUTH OF THE TAR RIVER, AND WEST OF GREENVILLE BOULEVARD, FROM R-6 AND R6N TO R6S AND FROM R9 TO R9S AS REQUESTED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AS RECOMMENDED BY THE TASK FORCE ON THE PRESERVATION OF NEIGHBORHOODS AND HOUSING - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department as recommended by the Task Force on the Preservation of Neighborhoods and Housing to rezone 282.36± acres (excluding street right-of-way) located in the area east of Reade Street, north of East Fifth Street and East Tenth Street, south of the Tar River, and west of Greenville Boulevard, from R6 and R6N to R6S and from R9 to R9S. At its July 19, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request. A valid protest petition has been received for this request.

Mr. Hamilton delineated the property on a map and stated that this is a rezoning request submitted by the Planning and Community Development Department. It is in association with the Task Force on the Preservation of Neighborhoods and Housing recommendations that were submitted to and accepted by City Council in December 2004. This is Neighborhood Strategy

Number Six, which is “to identify neighborhoods that are predominantly single family in character but are zoned in a manner that would allow intrusion of duplex and multi-family uses and to rezone those neighborhoods to prohibit any further intrusion”. Mr. Hamilton presented a map illustrating the zoning districts within the City’s jurisdiction that would currently allow multi-family development and indicated the residential, office and downtown commercial fringe areas on the map. He stated that neighborhoods have been identified throughout the City that were historically developed as single family that are located within the multi-family zoning districts. Neighborhoods that would be considered more at risk than others have also been identified. There are approximately 7,000 parcels within all these neighborhoods. Staff intends to submit rezoning requests for other neighborhoods prior to the end of the year. Mr. Hamilton pointed out that the Tar River Neighborhood is considered to be currently more at risk than others. Other neighborhoods that have been identified include Elmhurst, Englewood, Red Oak, Oakdale, Greenfield Terrance, North River Estates and College Court/Colonial Heights. The West Greenville area is not indicated at this time, because it is addressed in the West Greenville Revitalization Plan. The first area, the Tar River Neighborhood, consists of 282 acres of land, excluding the street rights-of-way.

Mr. Hamilton explained that the notice for the public hearing and City Council meeting for large rezoning requests is different than typical rezonings. State Statutes provide that for large rezoning requests of 50 or more properties, the City may utilize a half-page ad run four times in the local newspaper in lieu of the mailed notice. Mailed notices were required and completed for persons who own property within the area or contiguous to the area who do not reside within the circulation area of The Daily Reflector. Mr. Hamilton stated that there has also been a front-page story in the newspaper concerning this item and signs were posted within the neighborhood.

It was pointed out that Wilson Acres, Tar River Estates, the Methodist Retirement Home, and some of the multi-family duplex areas adjacent to the river are completely developed as duplex and multi-family and not included within the neighborhood boundaries. The College View Historic District and scattered landmark properties are located within part of this area, and the rezoning to R6S will have no impact on any historic property or the rules that apply to those properties. Mr. Hamilton stated that within the area there are over 1,000 parcels, with 119 lots devoted to duplex use, 32 lots devoted to multi-family development, and 839 single-family lots. Single-family development is the predominant land use within this area. Nonconforming uses such as duplexes and multi-family will be allowed to continue. A change of use where a nonconforming use exists shall be permitted only if the intended change is to a use that is permissible in the district. This provision prohibits the intrusion of duplex or multi-family use into the area. Within any residential district, any dwelling that is used for residential purposes and maintained as a nonconforming use shall be exempt from the extension or enlargement restrictions that apply to nonconforming situations, provided that the total number of dwelling units is not increased. No additions or enlargements can create any additional nonconformity in respect to dimensional standards or parking. Multi-family structures that become nonconforming would have to comply, with respect to any type of expansion, with Article I, Standard Multi-family Provisions, or the single-family requirements for the zoning district. Two family attached dwellings can be expanded provided they comply with the R6A or R6S standards, whichever is greater. Repairs and routine maintenance are permitted. A nonconforming use may be continued for an indefinite period. All building activities and operations maintained on the lot are generally considered to be as a whole. When a building

permit has been issued for construction for a nonconforming project, the project shall be permitted to develop in accordance with the terms at the time of the zoning action. Mr. Hamilton stated that the anticipated outcome as stated in a report from the Task Force “is that the goal of the rezoning is to provide a measure of neighborhood stability and to demonstrate the City’s commitment to single family neighborhood preservation as part of a comprehensive housing revitalization strategy.”

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Charlie Ewen, representing the Tar River Neighborhood Association, stated that he hopes they don’t have more duplexes or apartments in the area, as he would prefer that the area maintain the status quo. The Council has the support of the homeowners in the area. He asked the people in the audience who are in favor of the request to stand, and approximately 50 people stood.

Dr. Bob Dietrich, a 14-year resident of Greenville and a member of the Task Force on the Preservation of Neighborhoods and Housing, stated that he is a hands-on investor landlord. There are 150 property owners in the unique Tar River neighborhood who want to be a part of the solution in preserving its character and function. He has talked to the City about proactive self-policing landlord association. The behavior of the tenants is the responsibility of the landlord and a direct reflection of the landlord’s commitment to the community. He plans to raise the standard and hopes others will follow. What is good for the University is good for the students, University, City and investors. He thanked the Council for focusing attention and needed resources toward this endeavor.

Ms. Mary Lou Antieau, speaking on behalf of East Carolina University Chancellor Steve Ballard, summarized the following letter.

“COPY”

July 21, 2005

The Honorable Don Parrott
Mayor
City of Greenville
201 Martin Luther King Jr. Drive
Greenville, NC 27834

Dear Mayor Parrott:

The proposed rezoning of the neighborhood north of Fifth Street has attracted considerable attention from the ECU community. I was interested to read today that last night the city planning board adopted the recommendation of the Task Force on Preservation of Neighborhoods and Housing that essentially bans further development of apartments and duplexes in the neighborhoods near the campus. This is a first step toward the revitalization and development in this area that is the critical area in the town-gown partnership.

The Executive Council and I reviewed the recommendation of the Task Force and are looking into a program for incentives for development of the neighborhood area for faculty and staff residences. We are in agreement that this move would benefit the residents of Greenville and the University family.

Thank you for your continuing leadership in the efforts to build a more viable downtown area and for your collaboration with East Carolina University in this pursuit. My very best and highest regards.

Sincerely,

/s/ Steve

Steve Ballard
Chancellor

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Mr. Carl Swanson, a resident of College View, stated that he hopes the Council approves this request because the neighborhoods have special character. They have a great atmosphere and must be protected. The heavily traveled streets are narrow and the houses are close together. He urged the Council to adopt the ordinance and be vigilant in enforcement of laws for homeowners, renters, and absentee landlords.

Mr. Murray Merner stated that he supports this request because it is good for Greenville and the University area.

Mr. Rick Smiley, a property owner in Colonial Heights, stated that he is speaking on behalf of the Historic Preservation Commission, as the Chairman could not be present. The historic district is one of the cultural assets of the City. Preventing the alteration of the homes to duplexes and multi-family will be positive. The value of the district is in its character and the single-family homes.

Ms. Catherine Darby, a resident of Student Street, thanked the Council for hearing the issue tonight. The Task Force has done an excellent job and this has been a wonderful project. The citizens appreciate it. She thanked the people who came to the meeting tonight. The people have invested in the neighborhood beyond monetary gain. She stated that she was sad to see the negative publicity that surrounded this rezoning request. The disgruntled people are the ones who did not participate in the process for over a year. Then when they came forward and asked people to slow down, they disseminated erroneous information. That is sad for the neighborhood because it is trying to function with mutual respect. This will be a positive thing. It is about more than the economic value of a home. The Tar River neighborhood is a diverse and multi-cultural group and it is important to all of Greenville. There are many types of people who love where they live. She asked the Council to vote in favor of the request.

Ms. Sandra Harrison read the following statement:

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My name is Sandra Harrison and I have been a property owner in the university area since 1986. I believe the proposed rezoning will be a positive for the area. Since October 2004, I have reviewed the recommendations of the Task Force as published via the city’s website as well as following newspaper accounts and opinions. I understand the recommendations to be for citywide issues relating to the preservation of neighborhoods and housing within communities with rental properties.

It is understandable that the University Community would be the first to be addressed as it represents one of the largest areas with rental residents within single and multi-family dwellings. I rent to college students and feel that they compose an important segment of this community’s population.

While I support the concepts outlined in the task force recommendations, I believe a real opportunity now exists to involve a broad spectrum of interested parties in the university area during the implementation phase. THE DEVIL IS IN THE DETAILS.

As I understand the city council process, the council requested and received recommendations as to cost of implementation from the city staff and it has been included in the coming year’s budget in the amount of approximately \$1,200,000. I would strongly implore the council to further direct the city staff to now develop a TASK FORCE ON IMPLEMENTATION to include all interested homeowners, university staff, city staff, Uptown Greenville, etc.

Many, including myself, have waited for more public discussion and are now unsure as to the next step in the process. We need to insure that additional input on strategies for implementation is solicited as you move forward on the remaining proposals. I genuinely believe that there will be more agreement than disagreement. A clear understanding and feeling of inclusion by all will make the process of change much more harmonious.

I believe if we get it right in the university area we can have a real functioning model for the entire city.

Thank you for this opportunity for input.

Sandra E. Harrison
1424 Greenville Blvd
Greenville, NC 27858

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Mr. Kyle McBride, a homeowner residing at 2103 E. Third Street, asked the Council to please save the neighborhood.

Mr. Wiley Price, a resident of the 100 block of Elm Street, thanked the City staff, Planning and Zoning Commission and others who made the rezoning possible. It has brought forth the landlords and made them organize and work with the Tar River Neighborhood Association for

the betterment of the community. He stated that he could see a future or all the groups working together for the betterment of the community based on facts. A good relationship of the City, University, Tar River Neighborhood Association, and City Council can be done for the betterment of the area. He charged the Council Members to do the right thing.

Mr. Tim Feruzzi, representing several landlords, stated that he lived in the Tar River neighborhood as a student and later in life. He is a part of a coalition of neighborhood property investors consisting of 60 members and growing. The group has held many meetings and has discussed many topics. He asked that the protest petition be rescinded because the group feels that the rezoning by itself will better protect the neighborhood it invested in. He apologized for any offense that may have been taken by comments made by him during the process. A resolution adopted by the coalition of Neighborhood Property Investors was read to the Council.

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RESOLUTION

Whereas, the Coalition of Neighborhood Property Investors is a assembly of residential and commercial property investors created for the fair treatment of all citizens in relation to property rights and civil liberties; organized to promote respectful communication, conflict resolution, and balanced diversity; and engaged in responsible investment, community and neighborhood development, and proactive cooperation with municipal and community organizations; and

Whereas, the members of the Coalition of Neighborhood Property Investors desire, as individuals, to serve the City of Greenville on such planning and advocacy missions as the Council may find fitting; and

Whereas, the City of Greenville has created the Task Force for Preservation of Neighborhoods and Housing which seeks to address many of the issues with which the Coalition of Neighborhood Property Investors is concerned; and

Whereas, this Task Force has produced a Draft Minutes which lists 10 recommendations to the Greenville City Council which seek to improve the neighborhoods and community in the residential areas surrounding East Carolina University; and

Whereas, East Carolina University has created the East Carolina Neighborhood Coalition to partner with the City and community organizations in this same cause;

Therefore, be it resolved, that the Coalition of Neighborhood Property Investors respectfully requests to be invited by the Greenville City Council to serve in and contribute to such public committees, commissions, or boards as the Council deems appropriate.

The above resolution was passed by the membership on 10 August 2005.

/s/ Edgar Wall
Edgar Wall, President

/s/ David Carpenter
David Carpenter, Secretary

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City Attorney Holec informed the Council that the protest petition remains valid, as one person cannot withdraw a protest petition signed by other people.

Mr. David Carpenter stated that he has been a Greenville citizen since 1980 and for the past 10 years, he has chosen to invest in properties. The landlord presence has been a good thing in the area. The Coalition of Neighborhood Property Investors is interested in being supportive of any change that supports improvement of the neighborhood. The group would like to be able to participate in any future recommendations made by the Task Force and hopefully have input. They can work together with the City in and around the East Carolina University area.

There being no further comments, the public hearing was closed.

City Attorney Holec reminded the Council that since a valid protest petition was filed, five affirmative votes are required to pass the ordinance.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to adopt the ordinance to rezone 282.36+ acres (excluding street right-of-way) located in the area east of Reade Street, north of East Fifth Street and East of Tenth Street, south of the Tar River, and west of Greenville Boulevard, from R6 and R6N to R6S and from R9 to R9S. Motion carried unanimously. (Ordinance No. 05-80)

ORDINANCE REZONING THE BOBBY RAY MILLS PROPERTY LOCATED NORTH OF DAVENPORT FARM ROAD, EAST OF FROG LEVEL ROAD, AND EAST AND SOUTH OF AUGUSTA TRAILS, SECTION 3, FROM RA20 TO R6S AND R6A - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by Bobby Ray Mills to rezone 785± feet east of Frog Level Road, and east and south of Augusta Trails, Section 4, from RA20 to R6S and R6A. At its July 19, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Hamilton delineated the property on a map and stated that this is a request to rezone property located on Davenport Farm Road from RA20 to R6S and R6A. Tract 1 is over 1.5 acres and proposed for R6S, single family and the proposed rezoning would yield six single-family lots. Tract 2 is over 2.5 acres and proposed for R6A. Staff anticipates that Tract 2 would yield 20 multi-family two and three-bedroom units. To the north and south of the property is Augusta Trails duplex subdivision and to the south are single-family homes. Augusta Trails does not connect with the subject property, and it is not impacted by the floodplain. There is a neighborhood focus area located at the intersection of Frog Level Road and Davenport Farm Road. These roads are designated as residential corridors. The proposed rezoning would generate a net increase of 100 trips. Both Frog Level Road and Davenport Farm Road are designated as minor thoroughfares on the Thoroughfare Plan. The Land Use Plan recommends medium density residential. The property is currently zoned RA20 and the zoning would align

with the property to the east. Both the R6S and the R6A zoning districts are considered medium density.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Ken Malpass, representing the petitioner, was present to answer questions.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Council to adopt the ordinance to rezone 785+ feet east of Frog Level Road, and east and south of Augusta Trails, Section 4, from RA20 to R6S and R6A. Motion carried unanimously. (Ordinance No. 05-81)

ORDINANCE REZONING THE BYPASS PROPERTIES III, LLC, THOMAS GLENNON, NICHOLAS GLENNON, AND JERRY WHITEHURST PROPERTY LOCATED SOUTH OF US HIGHWAY 264 AND RADIO STATION ROAD, WEST OF ALLEN ROAD AND NORTH AND SOUTH OF LANDFILL ROAD, FROM MRS AND MR TO MCH, MR AND MO - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by Bypass Properties III, LLC, Thomas Glennon, Nicholas Glennon and Jerry Whitehurst to rezone 54.33+ acres located south of US Highway 264 and radio Station Road, 500+ feet west of Allen Road, and north and south of Landfill Road, from MRS and MR to MCH, MR, and MO. At its July 19, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Hamilton delineated the property on a map and stated this is a rezoning request to rezone five tracts of property located along Radio Station Road and the interior of Allen Road. Tract 1 is currently zoned single family and proposed for Medical Office. Tract 1A is currently zoned high-density multi-family and is proposed for Medical Office. Tract 2 is currently zoned single family and is proposed for high-density multi-family. Tract 3 and 4 are currently zoned single family and proposed for Medical Heavy Commercial. The property is not impacted by the floodplain. There is a community focus area at the intersection of Stantonsburg Road and B's Barbeque Road and a neighborhood focus area at the intersection of Landfill Road and Allen Road. Stantonsburg Road is considered a gateway corridor and Allen Road is considered a connector corridor. The proposed rezoning would generate a net increase of 2,500 trips, with approximately 850 of those being on Stantonsburg Road and 1,650 being on Allen Road. There is access to the property on Allen Road through Holly Glen Drive. Both Stantonsburg Road and Allen Road are considered major thoroughfares on the Thoroughfare Plan. The Land Use Plan recommends Office/Institutional/Multi-family along Radio Station Road, Stantonsburg Road and Allen Road. The Land Use Plan recommends commercial to the north and south of Landfill Road and recommends a conservation area to the west of the commercial area to buffer the existing multi-family. Tracts 1, 2, 3 and 4 are currently zoned single family and Tract 1A is zoned high-density multi-family. Tracts 1 and 1A are proposed for Medical Office, which does not contain a residential option. Tract 2 at current zoning would yield 64 single-family lots and the proposed zoning could yield 296 multi-family two and three-bedroom units. Tracts 3 and 4

are proposed for Medical Heavy Commercial, which does not contain a residential option. As recommended by the Land Use Plan the applicant has provided a 50-foot buffer between the proposed commercial area and the existing multi-family.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Fred Mattox, representing the petitioner, was present to answer questions.

There being no further comments, the public hearing was closed.

City Manager Bowers informed the Council that he received a letter of support for the rezoning request from Thomas F. Taft, Sr.

Motion was made by Council Member Little and seconded by Council Member Dunn to adopt the ordinance to rezone 54.33± acres located south of US Highway 264 and radio Station Road, 500± feet west of Allen Road, and north and south of Landfill Road, from MRS and MR to MCH, MR, and MO. Motion carried unanimously. (Ordinance No. 05-82)

ORDINANCE ANNEXING COREY RIDGE, SECTION 2, PHASE 1 LOCATED ON THE WEST SIDE OF COREY ROAD AND WEST OF PINE DRIVE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 setting this time, date and place for a public hearing to consider a request by Victor T. Corey to annex Corey Ridge Road, Section 2, Phase 1, containing 23.049 acres located on the west side of Corey Road and west of Pine Drive. This is a contiguous annexation.

Mr. Merrill Flood, Director of Planning and Community Development, delineated the property on a map and stated that the property is in Voting District 5. The property is currently vacant and the proposed use is for 29 single-family residential dwellings. The current population is 0, and the anticipated population at full development is 68, with 17 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Steve Spruill was present to answer questions.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance annexing 23.049 acres located on the west side of Corey Road and west of Pine Drive. Motion carried unanimously. (Ordinance No. 05-83)

ORDINANCE ANNEXING AN ADDITIONAL STRIP FOR COVENGTON DOWNE, LOT 8, BLOCK A, LOCATED ON THE NORTH SIDE OF TURNBURY DRIVE AND WEST OF CHARLES BOULEVARD - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 setting this time, date and place for a public hearing to consider a request by The Covengton Group, LTD to annex an additional strip for Covengton Downe, Lot 8, Block A, containing 0.048 acres, located on the north side of Turnbury Drive and being about 215 feet west of Charles Boulevard. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is in Voting District 5. The property is currently vacant and the proposed use is commercial development. The current and anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance annexing 0.048 acres, located on the north side of Turnbury Drive and being west of Charles Boulevard. Motion carried unanimously. (Ordinance No. 05-84)

ORDINANCE ANNEXING BROWN FAMILY INVESTMENTS, LLC AND THE TUCKER COMPANY PROPERTIES LOCATED ON THE NORTHEAST CORNER OF MEMORIAL DRIVE AND WHITLEY DRIVE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 setting this time, date and place for a public hearing to consider a request by Brown Family Investment, LLC and The Tucker Company Properties, containing 4.3349 acres, located on the northeast corner of Memorial Drive and Whitley Drive. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is in Voting District 5. The property is currently vacant and the proposed use is for 47,207 square feet of commercial development. The current population is 0, and is estimated to be 0 at full development.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Craft to adopt the ordinance annexing 4.3349 acres, located on the northeast corner of Memorial Drive and Whitely Road. Motion carried unanimously. (Ordinance No. 05-85)

ORDINANCE ANNEXING HAMPTON CREEK, SECTION 1 - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 setting this time, date and place for a public hearing to consider a request by Big East Development, Inc., containing 13.069 acres, located on the south side of Davenport Farm Road and west of Christ's Church. This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is in Voting District 5. The property is currently vacant and the proposed use is for 34 duplexes (68 dwelling units).

The current population is 0, and the anticipated population at full development is 159, with 40 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Dunn to adopt the ordinance annexing Hampton Creek, Section 1. Motion carried unanimously. (Ordinance No. 05-86)

ORDINANCE ANNEXING BARRINGTON FIELDS, SECTION 1, LOCATED ON THE WEST SIDE OF FROG LEVEL ROAD AND WEST OF DARRELL DRIVE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1, 2005 setting this time, date and place for a public hearing to consider a request by RT Development, Inc., containing 20.758 acres, located on the west side of Frog Level Road and west of Darrell Drive. This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is in Voting District 5. The property is currently vacant and the proposed use is for 45 single-family residential dwellings. The current population is 0, and the anticipated population at full development is 110, with 13 minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance annexing Barrington Fields, Section 1, located on the west side of Frog Level Road and west of Darrell Drive. Motion carried unanimously. (Ordinance No. 05-87)

ORDINANCE REQUESTED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT, AT THE DIRECTION OF CITY COUNCIL TO AMEND THE ZONING ORDINANCE DEFINITION OF "HOME OCCUPATION" FOR THE PURPOSE OF EXCLUDING SPECIFIC LIMITED IN-HOME SERVICES AND/OR BUSINESS ACTIVITIES FROM THE SPECIAL USE PERMIT APPLICATION REQUIREMENTS AND TO REGULATE SUCH SERVICES AND/OR BUSINESS ACTIVITIES AS INCIDENTAL ACCESSORY RESIDENTIAL USES - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department, at the direction of City Council to amend the zoning ordinance definition of "Home Occupation" for the purpose of excluding specific limited in-home services and/or business activities from the special use permit application requirements and to regulate such services and /or business activities as incidental accessory residential uses. The Planning and Zoning Commission voted to recommend approval of the request at its June 21, 2005 meeting.

Mr. Hamilton stated that this is a request by the Planning and Community Development Department, at the direction of City Council, concerning home occupation. This is an amendment to the definition section for home occupations, which require a special use permit from the Board of Adjustment. There are some incidental use provisions currently in the City Code that allow people to have certain home occupations, such as bookkeeping, etc. which do not constitute a home occupation or require a special use permit. The proposed definition retains characteristics of a home occupation but substitutes a new incidental use provision and provides for limited in-home services or business activities.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance amending the zoning ordinance definition of “Home Occupation” for the purpose of excluding specific limited in-home services and/or business activities from the special use permit application requirements and to regulate such services and/or business activities as incidental accessory residential uses. Motion carried unanimously. (Ordinance No. 05-88)

ORDINANCE REQUESTED BY JIMMY W. CARTER AMENDING THE ZONING REGULATIONS TO INCLUDE A NEW DEFINITION ENTITLED “HOME OCCUPATION, BED AND BREAKFAST INN”, AND TO INCLUDE SAME AS A SPECIAL USE, SUBJECT TO SPECIFIC PERFORMANCE STANDARDS, ON PROPERTIES THAT ARE LOCATED BOTH WITHIN AN R6S ZONING DISTRICT AND WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT (HD) OVERLAY ZONING DISTRICT - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by Jimmy W. Carter to amend the zoning regulations to include a new definition entitled “Home occupation, bed and breakfast inn”, and to include same as a special use, subject to specific performance standards, on properties that are located both (i) within an R6S zoning district, and (ii) within a locally designated historic district (HD) overlay zoning district. The Planning and Zoning Commission voted to recommend approval of the request at its July 19, 2005 meeting.

Mr. Hamilton stated that this is a request by Mr. Carter to amend the R6S district standards, Table of Uses, to include bed and breakfast inns as a special use home occupation. Currently, bed and breakfast inns are a commercial use and they are included under the hotel, motel, bed and breakfast inn category. That type of use is only allowed within commercial, office/institutional and industrial zones. There are no residential based bed and breakfast inns located in Greenville because of that restriction. It is very difficult to find homes within these zones that would accommodate a bed and breakfast. The request is to allow bed and breakfast inns as a home occupation to a single-family owner occupant dwelling within the R6S zone. Not only would the home have to be within an R6S zone, but it must also be in a district subject to a historic district overlay zone. There are two in Greenville—the Tobacco Warehouse District and the Tar River Historic District located off of Fifth Street, which is in the area being considered for rezoning to R6S. Bed and breakfast inn is a single-family dwelling in which the resident owner offers temporary overnight accommodations to visitors for compensation. Such use may

be allowed as an accessory use home occupation to a single-family dwelling upon special use approval from the Board of Adjustment in accordance with the additional conditions that would apply within the City Code. The ordinance contains 16 minimum standards and conditions and the Board of Adjustment can impose additional conditions if it deems necessary. There are other potential historic districts that may be located in the West Greenville area. If those areas are zoned R6S in the future and have the historic overlay, there might be other locations available for this use. Any improvements to the home would require approval from the Historic Preservation Commission in accordance with the Design Guidelines.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to adopt the ordinance amending the zoning regulations to include a new definition entitled “Home occupation, bed and breakfast inn”, and to include same as a special use, subject to specific performance standards, on properties that are located both (i) within an R6S zoning district, and (ii) within a locally designated historic district (HD) overlay zoning district. Motion carried unanimously. (Ordinance No. 05-89)

ORDINANCE REQUESTED BY THE PLANNING AND ZONING DEPARTMENT, AS INITIATED AND DIRECTED BY THE CITY COUNCIL TO AMEND THE ZONING REGULATIONS TO INCLUDE REVISED STANDARDS AND CRITERIA FOR PUBLIC OR PRIVATE CLUB SPECIAL USE PERMITS, INCLUDING ANNUAL REVIEW REPORT AND REHEARING PROCEDURES AND REQUIREMENTS - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department, as initiated and directed by City Council to amend the zoning regulations to include revised standards and criteria for public or private club special use permits, including annual review report and rehearing procedures and requirements. The Planning and Zoning Commission voted to recommend approval of the request at its June 19, 2005 meeting.

Mr. Hamilton stated that this request was initiated and directed by City Council to amend the zoning regulations to include revised standards and criteria for public or private club special use permits. Mr. Hamilton read the definition of a public or private club and the criteria that clubs must comply with. There are presently 24 clubs in Greenville’s jurisdiction; 16 are subject to annual review by the Board of Adjustment and eight are exempt under the grandfather clause. The proposed amendment will only apply to those clubs that are subject to annual review plus any future clubs. Mr. Hamilton stated that 23 of the 233 restaurants in the city regularly offer nightly or periodic entertainment and 8 of the 23 have undertaken the practice of charging a cover fee for admittance during regular or special periods of operation. By definition, a restaurant may not charge a cover charge. They may not charge a cover at any time of operation either regular or special periods of operation unless approved as a dual use, a restaurant/club. All except one of the restaurants that have been operating as unapproved dual uses are located within zoning districts that include clubs as a special use option. Mr. Hamilton stated that staff received complaints from property owners, current club owners and restaurant owners in reference to the

practice of 8 of the restaurants charging a cover and operating as clubs. Staff compiled a list of all the known restaurants that were undertaking such a practice of offering entertainment and sent them a notice advising them of the rules. City Council received numerous calls from persons currently charging an admittance fee and Council considered the issue at their meeting in June. City Council agreed to continue to recognize the distinction between restaurants and clubs and agreed to retain the cover charge restriction for restaurants as established. City Council agreed to continue to allow the Board of Adjustment to determine the appropriate location of clubs through the public hearing process and directed staff to develop a streamline special use permit rehearing and renewal standard. Currently, public/private clubs may only be granted a special use permit for one year, and it has to be renewed annually. Under the proposed standards, the one-year automatic renewal would be replaced with an annual review report and include reconsideration criteria for the Board. Planning staff will coordinate and prepare a report for each club subject to the rule. Staff will present the report to the Board when the annual review includes a finding of one or more instances of non-compliance. The report will include noise, litter, fire codes, building codes, nuisance and public safety regulations and special use permit conditions of approval. Based on staff's report, the Board may require a new hearing or not require a new hearing based on information submitted. An existing club that is currently operating under the special use permit renewal requirements would continue to operate until their renewal date and afterwards be subject to the new standards. Restaurants located within zoning districts that currently permit clubs as a special use may apply for club status under the streamline standards. This will not affect restaurants that offer entertainment but do not charge a cover fee. Existing clubs subject to the annual review will benefit from the streamline process. The proposed review process and criteria will afford a more effective monitoring of club activities and provide a more meaningful assessment in the case of non-compliance. The review report will take place at least on a yearly basis.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance amending the zoning regulations to include revised standards and criteria for public or private club special use permits, including annual review report and rehearing procedures and requirements. Motion carried unanimously. (Ordinance No. 05-90)

ORDINANCE REQUESTED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT TO AMEND THE ZONING REGULATIONS TO INCLUDE A REAR YARD STREET SETBACK MODIFICATION FOR DETACHED ACCESSORY STRUCTURES LOCATED ON DOUBLE FRONTAGE LOTS CONTAINING SINGLE-FAMILY OR TWO-FAMILY ATTACHED (DUPLEX) DWELLINGS - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on August 1 and August 8, 2005 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department to amend the zoning regulations to include a rear yard street setback modification for detached accessory structures located on double frontage lots containing single-family or two-family attached (duplex) dwellings. The Planning and Zoning Commission voted to recommend approval of the request at its June 19, 2005 meeting.

Mr. Hamilton stated this request is to include a rear yard setback modification for detached accessory structures located on double frontage lots. Mr. Hamilton stated that over the years persons with double frontage lots have requested to put accessory buildings in their yards and the current requirements have prohibited them from being able to build those accessory structures in many cases. A zoning compliance permit is required for all accessory structures regardless of size or dimension. A building permit is required for any structure over 12 X 12 or 144 square feet. The proposed ordinance would provide a setback modification for double frontage single family and duplex lots under certain conditions. Mr. Hamilton stated that this amendment does not affect non-residential and multi-family setback standards. Mr. Hamilton listed those conditions.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Craft to adopt the ordinance amending the zoning regulations to include a rear yard street setback modification for detached accessory structures located on double frontage lots containing single-family or two-family attached (duplex) dwellings. Motion carried unanimously. (Ordinance No. 05-91)

ORDINANCE REVOKING EIGHT LIMOUSINE FRANCHISES - ADOPTED

City Attorney Holec stated that the City has eight limousine franchise holders that failed to comply with the inspection and insurance requirements in order to maintain their Certificates of Convenience and Necessity to operate a limousine franchise as set out in Chapter 1 of Title 11 of the Greenville City Code. On January 13, 2005, a certified letter was sent to these franchise holders, which included a survey to be completed addressing the status of their business and intentions concerning future operations. Several responded and indicated they are no longer in operation. Other notices were returned as not found or not claimed. Those that responded and referenced intentions to continue operation were reminded of their need to comply with the ordinance requirements. Since these franchise holders do not comply with the inspection and insurance requirements for limousine franchise holders, revocation of their franchise would be appropriate. City Council may revoke limousine franchises after a public hearing. On July 15, 2005, a follow-up certified letter was sent to these franchise holders notifying them of the public hearing that is to be held on August 11, 2005, to revoke these franchises that were no longer in operation and those who had not complied with the requirements. The public notice was published in the City Page of the August 1, 2005 edition of The Daily Reflector. The franchises recommended to be revoked are:

- Mack Walston d/b/a A-Step-Up-Limousine (not deliverable)
- Douglas and Kimberly L. Bostick d/b/a East Carolina Limousine Service (did not comply)
- John Bohling d/b/a Eastern Limousine (out of business)
- Willie Boone d/b/a Greenville Checker Limousine (no return)
- Robert and Kathy Bakalar d/b/a Little Limo (out of business)
- Marie Brown d/b/a No. 1 Transportation (not deliverable)
- Mel H. Perez d/b/a Professional Limousine Service (out of business)
- James Early d/b/a 10th Street Limousine Service (out of business)

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance revoking limousine franchises currently held by Mack Walston, d/b/a A-Step-Up Limousine, Douglas G. and Kimberly L. Bostick d/b/a East Carolina Limousine Service, John Bohling d/b/a Eastern Limousine Service, Willie Boone d/b/a Greenville Checker Limousine, Robert and Kathy Bakalar db/a Little Limo, Marie Brown d/b/a No. 1 Transportation, Inc., Mel H. Perez d/b/a Professional Limousine Service, and James Early d/b/a 10th Street Limousine Service. Motion carried unanimously. (Ordinance No. 05-92)

PUBLIC COMMENT PERIOD

Mayor Parrott gave the provisions for the public comment period and asked if there were any persons desiring to address the Council. There were none.

RESOLUTION APPROVING A LEASE AGREEMENT FOR THE FLEMING HOUSE WITH THE GREENVILLE-PITT COUNTY CHAMBER OF COMMERCE - ADOPTED

City Attorney Holec reminded the Council that the City leases the Fleming House to the Greenville-Pitt County Chamber of Commerce pursuant to a lease, which began on February 11, 1982 and terminates on February 11, 2007. The lease provided that the Chamber pay an annual rental of \$1 and was responsible for the initial improvements to the building so that it could be used for the Chamber offices, that it preserve and maintain the facility as a historical and architectural landmark, and that it pay for all expenses related to maintenance, repair, and operation of the facility. The length of the lease term and the amount of the rental were in recognition of the substantial investment being made by the Chamber in improving the facility at the beginning of the lease term. The lease has been a benefit to both the Chamber and the City. The Chamber is preparing to make a substantial investment in the property involving repairing and refurbishing the Fleming House. The Chamber estimates that the expense to make the necessary repairs to the structure to be between \$75,000 and \$100,000. Additionally, the Chamber plans to refurbish the building in accordance with National Historic guidelines including, but not limited to, painting, wallpapering, carpeting, and refurbishing. The Chamber expects that the total cost of repairing and refurbishing will be \$200,000. Because of this commitment to make this substantial investment, the Chamber has requested that the lease term be extended so that the Chamber has a 20-year lease and that the rental amount and responsibilities of the Chamber for expenses remain basically the same as in the current lease. The City Manager and City Attorney met with Chamber President Susanne Sartelle and Chamber Attorney Steve Stephenson to revise the lease in order to facilitate the improvement to the property. The proposed lease is the result of the discussions. The lease retains the provisions of the current lease such as the Chamber is to pay an annual rental of \$1, is to preserve and maintain the facility as a historical and architectural landmark, and is to pay all expenses relating to maintenance, repair, and operation of the facility. Modification of the description of the leased property was necessary to ensure that the parking area used by the Chamber was included (basically including the first two rows of the parking lot). The stated number of parking spaces to be provided was increased to not less than fifteen spaces and it is currently six, if the City is required to encroach into the property for any City purpose. Also, there was a modification to

the provision relating to the sharing of insurance proceeds if the Fleming House is substantially damaged by fire or other cause and the lease is terminated. This modification changes the formula for determining the amount of the recovery of the Chamber's investment in the structure on a declining amortization basis. City Council is authorized to lease property upon such terms and conditions as it determines. Additionally, even though the lease term is greater than ten years, the lease may be accomplished by private negotiation since the lease is with a non-profit corporation and contains provisions relating to the preservation and maintenance of property significant for architectural and historical associations. The Chamber Board of Directors approved the Lease Agreement at its June 23, 2005 meeting. City Council may approve the Lease Agreement by approval of a resolution.

Mr. Mark Phillips, Chairman of the Greenville-Pitt County Chamber of Commerce, was present to answer questions.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Dunn to adopt the resolution approving the lease agreement for the Fleming House with the Greenville-Pitt County Chamber of Commerce. Motion carried unanimously. (Resolution No. 05-50; Contract No. 305B)

REQUEST FROM THE PITT COUNTY DEVELOPMENT COMMISSION TO PARTICIPATE IN THE EFFORT TO LOCATE AN EASTERN REGIONAL OFFICE OF THE NORTH CAROLINA BIOTECHNOLOGY CENTER IN GREENVILLE - APPROVED

Mr. John Chaffee, Executive Director of the Pitt County Development Commission, informed the Council that the North Carolina Biotechnology Center is a private nonprofit corporation created by the State of North Carolina in 1984 with a mission to provide long-term economic and societal benefits to North Carolina to support biotechnology research, business and education statewide. North Carolina is currently number three in the nation for biotechnology. The Center is considering establishing an eastern regional office in Greenville/Pitt County. The goal is to raise \$200,000 to cover the expenses for the first two years. After that, the Biotechnology Center will pick up the expenses. Currently, there are commitments from East Carolina University, the Committee of 100, etc. Mr. Chaffee asked the City Council for \$10,000 for each of the next two years to help support the regional office during its first two years of operation. City Manager Bowers stated that \$10,000 for the first year would come from contingencies and the second year, it would be included in the budget.

Motion was made by Council Member Council and seconded by Council Member Craft to approve the request from the Pitt County Development Commission to participate in the effort to locate an Eastern Regional Office of the North Carolina Biotechnology Center in Greenville. Motion carried unanimously.

DISCUSSION OF THE GREENVILLE SUNDIAL PROJECT

Dr. John Meredith informed the Council that the sundial project that was worked on so diligently by the Millennium Committee should be completed this year, and there is a funding shortfall. He asked for \$6,500 to complete this project and asked that the Council forgive the \$3,000 loan made to the Committee for the project. If approved, he will meet with Tom Tysinger to work

through the process. It will be located on the Town Common, in the northwest quadrant of the area. The City will have \$12,000 in it. For every \$1 contributed by the City, \$3 has been raised from other sources. The Greater Greenville Foundation has been the distributor of the funds.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to allocate the additional requested \$6,500 and to alter the previously provided \$3,000 to a grant rather than a loan. Motion carried unanimously.

CONTRACT FOR PHASE 1 OF THE PLANNING, ENVIRONMENTAL STUDIES, AND DESIGN OF THE TENTH STREET CONNECTOR PROJECT - APPROVED

Mr. Tom Tysinger, Director of Public Works, stated that the Tenth Street Connector Project involves the extension of Tenth Street from Dickinson Avenue to Memorial Drive at Stantonsburg Road. This project has been on the City's Thoroughfare Plan since 1990 and a high priority of the City and Greenville Urban Area Metropolitan Planning Organization since the mid-1990's. The City, East Carolina University, Pitt County Memorial Hospital, and North Carolina Department of Transportation jointly support the project, as evidenced by the agreements shared by each of the entities. In accordance with the Municipal Agreement between the City and the North Carolina Department of Transportation for this project, the City will serve as the project manager for the planning, environmental studies, and design of the project and is responsible for hiring an engineering firm to undertake this phase of the project. Presented for City Council consideration is a professional services contract between the City and Kimley-Horn and Associates for Phase I of the project. Phase I will include development of the Public Involvement Plan to be followed for this project, data collection sufficient to prepare an Environmental Assessment, establishment of an official "Purpose & Need" Statement, development of alternatives to be considered and ultimately an Alternatives Report that will recommend which alternatives to be carried through to the end of the Environmental Assessment process. Phase I will take approximately 18 to 24 months to complete. Phases Two and Three will be negotiated at a later time. It should take 36 to 42 months to plan and design the project, with an anticipated construction start date of 2009.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to award a professional services contract to Kimley-Horn and Associates in the amount of \$1,109,991.37 for Phase 1 of the planning, environmental studies, and design of the Tenth Street Connector Project. Motion carried unanimously. (Contract No. 1429)

ESTABLISHMENT OF THE TENTH STREET CONNECTOR PROJECT CITIZEN ADVISORY COMMITTEE

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve the formation of the Tenth Street Connector Project Citizen Advisory Committee and its membership consisting of Dennis Mitchell, Suzie Clemmons, Ida Williams, Arring Shambley, Rena Louise Payton, Onasia Brooks, Gladys Best, Isabell Wicker, Ozie Hall, Herbert Corey, Sammy Pugh, Louise Duncan, Randy Royal, Dennis Buck, Bennie Rountree, R. J. Hemby and Howard Connor. Motion carried unanimously.

CONTRACT FOR THE CHARLES BOULEVARD RAILROAD BRIDGE IMPROVEMENT PROJECT - APPROVED

Mr. Tom Tysinger, Director of Planning and Community Development stated that bids for the Charles Boulevard Railroad Bridge Improvement Project were received on Tuesday, July 12, 2005. Two bids were received and opened. After review of the bid documents, the bids were declared Non-Responsive for not submitting a complete bid proposal. The project was readvertised and new bids were received on Tuesday, July 26, 2005. The \$140,595 is proposed to be funded by equal shares of \$46,865 coming from the City of Greenville, North Carolina Department of Transportation and East Carolina University.

Motion was made by Council Member Craft and seconded by Council Member Dunn to award a service contract to SAFCO Contracting, Inc. in the amount of \$136,500 subject to North Carolina Department of Transportation and East Carolina University agreeing to reimburse the City \$46,865 each. Motion carried unanimously. (Contract No. 1430)

POLICE SERVICES CONTRACT WITH THE HOUSING AUTHORITY OF THE CITY OF GREENVILLE - APPROVED

City Manager Bowers reminded the Council that the City contracted with the Housing Authority to provide two police officers to perform specified patrols for the Housing Authority, and the Housing Authority agreed to pay the salaries and benefits of each. That contract was later amended to provide for the assignment of four police officers, with the Housing Authority paying the salaries and the City paying the benefits. Due to budgetary constraints, the Housing Authority has requested that the contract be further amended to provide that the City pay for the salary of one of the four officers (the administrative liaison officer) and the benefits for all four officers.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to approve the revised Police Services Contract with the Housing Authority of the City of Greenville. Motion carried unanimously. (Contract No. 632L)

RESOLUTION ESTABLISHING THE GREENVILLE YOUTH COUNCIL - ADOPTED

Director of Planning and Community Development Merrill Flood stated that the Human Relations Council has recommended that the City Council establish a Greenville Youth Council that would be composed of area high school students. It is recommended that the Council serve, listen to, and represent local youth in all matters of civic interest and need. The Greenville Youth Council will involve youth in grades 9 through 12 on issues concerning leadership, education, employment, community service, violence, substance abuse, and conflict resolution. It will serve as a means for young people to practice democracy to better prepare themselves for later responsibilities as citizens.

Motion was made by Council Member Little and seconded by Council Member Council to adopt the resolution establishing the Greenville Youth Council. Motion carried unanimously. (Resolution No. 05-51)

ORDINANCE AMENDING THE FY 2006-2006 CITY OF GREENVILLE BUDGET
ORDINANCE (ORDINANCE AMENDMENT #1) - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt ordinance amendment #1 to the FY 2005-2006 budget increasing the General Fund budget by \$24,096 and the Powell Bill fund budget by \$46,865. Motion carried unanimously. (Ordinance No. 05-93)

OFFER BY WILLIS J. STANCILL TO PURCHASE PROPERTY IDENTIFIED AS THE
EIGHTH STREET CHURCH PROPERTY - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to accept the offer of Mr. Willis J. Stancill to acquire the property identified as the Eighth Street Church Property for \$25,000. Motion carried unanimously. (Contract No. 1431)

AWARD FOR THE PURCHASE OF A HEAVY RESCUE VEHICLE - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to approve the purchase of a heavy rescue vehicle from Pierce Manufacturing, Inc. through Triad Fire Equipment, Inc. in the amount of \$326,621 and authorize the City Manager to sign the necessary contract. Motion carried unanimously.

AWARD OF CONTRACT FOR THE ADMINISTRATIVE FACILITIES FIBER CABLING
PROJECT - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to award the Administrative Facilities Fiber Cabling Contract to IntraSource, Inc. in the amount of \$155,810.26. Motion carried unanimously. (Contract No. 1432)

AWARD OF CONTRACT FOR THE INTERMODAL TRANSPORTATION CENTER
FEASIBILITY STUDY - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to award the Intermodal Transportation Center Feasibility Study to Martin/Alexiou/Bryson in the lump-sum amount of \$70,000, of which the Federal Transit Administration will reimburse the City \$56,000 and North Carolina Department of Transportation will reimburse the City \$7,000. Motion carried unanimously. (Contract No. 1433)

REPORT ON BIDS AWARDED

City Manager Bowers informed the Council that the following bids had been awarded:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
6/1/05	Network Infrastructure	SBC Datacom	\$62,162.19
6/1/05	Police Motorcycles	J & E Harley-Davidson	\$50,981.52
6/16/05	In-Car Camera Systems	Kustom Signals, Inc.	\$30,134.00

6/22/05	Upgrade PBX System (State Contract Purchase)	Sprint	\$94,471.05
6/28/05	Police Mobile Command Center	Matthews Specialty	\$132,795.00
7/14/05	Construction of Skate Ramps	Hardee Construction	\$24,000

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Craft announced the July Community Appearance Commission Award winners—North Carolina Department of Transportation for trees planted along Memorial Drive near the Airport, Public Works Department for landscaping along Hooker Road, and Campus Pointe Apartments.

Mayor Pro-Tem Miller thanked the people who came out for the public hearing tonight.

Mayor Pro-Tem Miller stated that there were \$27 million of annexations approved tonight.

Council Member Dunn thanked the Planning Department for the work they have done.

CITY MANAGER'S REPORT

City Manager Bowers stated that there are items that need to be discussed at the August 22 meetings, so he did not recommend canceling the meeting.

ADJOURN

Motion was made by Council Member Council and seconded by Council Member Craft to adjourn the meeting at 9:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk